

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 23, A bill to be entitled "An Act changing the time of holding the terms of the district court in the One Hundredth Judicial District, and providing that all process and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of district court in the counties composing said district; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, October 31, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 26, A bill to be entitled "An Act amending Article 1976, of Title 42, Chapter 1, of the 1925 Revised Civil Statutes of the State of Texas, so as to provide the actual possession of property not necessary to maintain action provided for in Article 1975, Title 42, Chapter 1, of the 1925 Revised Civil Statutes of Texas; providing the manner of service on defendant or defendants in such action, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

THIRTEENTH DAY

(Thursday, November 1, 1934)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Barrett.
Aikin.	Barron.
Alexander.	Beck.
Alsup.	Bergman.
Anderson.	Bourne.
Atchison.	Bradley.
Baker.	Burns.

Butler.
Camp.
Canon.
Cathey.
Caven.
Celaya.
Chastain.
Clayton.
Colson.
Coombes.
Crossley.
Daniel.
Davidson.
Dean.
Dunlap.
Dunagan.
Dwyer.
Engelhard.
Fain.
Ford.
Fuchs.
Glass.
Golson.
Good.
Goodman.
Graves.
Greathouse.
Griffith.
Hankamer.
Harman.
Harris.
Harrison.
Hartzog.
Head.
Hicks.
Hill.
Hodges.
Holekamp.
Holland.
Holloway.
Hoskins.
Huddleston.
Hughes.
Hunt.
Hunter.
Hyder.
Jackson.
James.
Jefferson.
Johnson
of Anderson.
Jones of Atascosa.
Jones of Runnels.
Jones of Shelby.
Kayton.
Kyle of Hays.
Kyle of Palo Pinto.
Laird.
Lange.
Latham.
Lemens.
Leonard.

Lindsey.
Long.
Lotief.
Mackay.
Magee.
Mathis.
McCullough.
McDougald.
McGregor.
McKee.
Merritt.
Metcalf.
Mitcham.
Moffett.
Moore.
Morrison.
Morse.
Munson.
Nicholson.
Palmer.
Parkhouse.
Patterson.
Pavlica.
Pope.
Purvey.
Ratliff.
Reader.
Reed of Bowie.
Reed of Dallas.
Renfro.
Riddle.
Roark.
Roberts.
Rogers
of Ochiltree.
Rollins.
Russell.
Savage.
Scarborough.
Shannon.
Shults.
Smith.
Stanfield.
Steward.
Stinson.
Stovall.
Stubbeman.
Tarwater.
Tennyson.
Thomas.
Tillery.
Townsend.
Turlington.
Van Zandt.
Vaughan.
Walker.
Weinert.
Wells.
Winningham.
Wood.
Young.

Absent

Devall.	Ramsey.
Duvall.	

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Calvert.	Ray.
Cowley.	Rogers of Hunt.
Fisher.	Scott.
Hester.	Wagstaff.

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Scott for today, on motion of Mr. Good.

Mr. Cowley for today, on motion of Mr. Roark.

Mr. Rogers of Hunt for today, on motion of Mr. Barrett.

Mr. Calvert for today, on motion of Mr. Beck.

Mr. Wagstaff for today, on motion of Mr. Aikin.

The following Members were granted leaves of absence on account of illness:

Mr. Ray for today, on account of illness in his family, on motion of Mr. Dean.

Mr. Adamson for today, on motion of Mr. Van Zandt.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Harman:

H. B. No. 53, A bill to be entitled "An Act making an appropriation to pay deficiency claims accruing in the State Banking Department during the fiscal year ending August 31, 1934, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Puryear:

H. B. No. 54, A bill to be entitled "An Act levying a tax of the difference between the purchase price of gas at the well and four (4) cents per thousand cubic feet (M. C. F.) and in any and all events a minimum of one-half ($\frac{1}{2}$) cent per thousand cubic feet of gas (M. C. F.) upon

every person, firm, company, corporation or utility pipe line company, receiver, trustee and lessee, engaged in the transportation of natural gas for light and fuel; providing for the filing of reports as to amounts of gas purchased and the price at which same is purchased and the furnishing of information pertaining to such gas as required by the Comptroller; etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Hankamer, Mr. Clayton, and Mr. Jackson:

H. B. No. 55, A bill to be entitled "An Act empowering counties through their commissioners courts to provide for annual exhibits of horticultural and agricultural products, live stock and minerals and other products of interest to such counties and in connection therewith to establish and maintain museums, including the erection of the necessary buildings and other improvements; etc., and declaring an emergency."

Referred to Committee on Counties.

By Mr. Van Zandt:

H. B. No. 56, A bill to be entitled "An Act providing for a surtax in the sum of ten per cent, and in addition to the amount of tax now levied and collected by existing law on all inheritance, gross receipts, license, occupation, or excise taxes; etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Celaya, Mr. Leonard, Mr. Dunlap et al.:

H. B. No. 57, A bill to be entitled "An Act to enable any county, one or more of the boundaries of which is coincident with any part of the international boundary between the United States and Mexico or any county contiguous to any county of such described class, to co-operate with the United States of America in the construction, maintenance and operation of flood control works and to permit any county of such described class, or classes, by resolution of the county commissioners court thereof; etc., and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Burns, Mr. Daniel, Mr. Morse, and Mrs. Hughes:

H. B. No. 58, A bill to be entitled "An Act providing for the improvement and repair of the Sam Houston Home and grounds adjacent thereto in Huntsville, and for the maintenance of same; providing means and manner thereof; making appropriation therefor, and declaring an emergency."

Referred to Committee on Appropriations.

TO GRANT PERMISSION TO BRING CERTAIN SUIT

Mr. McDougald offered the following resolution:

H. C. R. No. 3, Relative to bringing certain suit.

Whereas, On the ninth day of January, 1934, Mrs. Fred B. Hills of Beaumont, Jefferson County, Texas, was on the eighth floor in the county courthouse building of Jefferson County, Texas, located at Beaumont, Texas, and while attempting to locate the elevator button or signal on that floor, the door to the elevator shaft opened and the said Mrs. Fred B. Hills fell through the open elevator door into the elevator shaft, striking on top of the elevator eight floors below and sustained injuries which resulted in her death; and

Whereas, The said surviving husband, Fred B. Hills, and minor daughter, Miss Lottie Hills, desire to bring suit against the American Elevator Company of Louisville, Kentucky, the manufacturers of the elevators, the Richards-Wilcox Manufacturing Company of Aurora, Illinois, the manufacturers of the hardware equipment used on the doors of the elevators, the Hunter-Hays Company, Dallas, Texas, the contractors who installed the elevators and the doors thereto, and join as a defendant Jefferson County; and

Whereas, The said Fred B. Hills and Miss Lottie Hills have not been compensated by the said American Elevator Company, Richards-Wilcox Manufacturing Company, Hunter-Hays Company of Jefferson County, by reason of the death of Mrs. Fred B. Hills; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That Fred B. Hills and Miss Lottie Hills be, and they are hereby, granted permission to bring suit joining Jefferson County as a defend-

ant with the above named American Elevator Company, Richards-Wilcox Manufacturing Company and Hunter-Hays Company in a court of competent jurisdiction, to wit, in Jefferson County, Texas, in order to determine liability and compensation for damages received, and that service of citation or other necessary processes may be had upon Jefferson County, by serving the county judge, with the same force and affect as in other civil cases.

The resolution was read second time.

(Mr. Mathis in the Chair.)

Question recurring on the resolution, it was adopted.

RELATIVE TO APPROPRIATION FOR CENTENNIAL

Mr. Lemens offered the following resolution:

Whereas, The Fourth Called Session of the Forty-third Legislature is at present considering ways and means of financing the celebration of the Centennial of Texas Independence; and

Whereas, There are now pending before the Legislature bills appropriating millions of dollars for such celebration and levying heavy taxes to procure funds to cover such appropriations; and

Whereas, In Sections 9 and 10 of Senate Bill No. 22, passed by the Second Called Session of the Forty-third Legislature, creating the Texas Centennial Commission, full and ample powers were granted to such Commission to borrow money, negotiate loans, sell bonds, make notes, enter into agreements and contracts, mortgage assets and otherwise take all steps necessary or convenient to the financing of said Centennial, save and except the creation of any liability or indebtedness against the State of Texas; and

Whereas, It was the obvious intent and purpose of said Senate Bill No. 22 that said Centennial should be financed as far as possible without the use of public funds of the State, in such manner as was followed in financing the Century of Progress at Chicago, the greatest exposition in history, to which no amount of public funds was contributed by local, State or National Government; and

Whereas, The Centennial measures now pending before the Legislature

indicate an utter and complete departure from such purpose, course and intent of said Senate Bill No. 22; and

Whereas, Facing as it does the obligations of retiring relief bonds and meeting a heavy deficit in times of economic stress, the Treasury of the State should not now be burdened with heavy appropriations for Centennial purposes; now, therefore, be it

Resolved by the House of Representatives, That the Centennial Commission is hereby respectfully urged to take advantage of and exercise fully the ample powers granted to it in the Act creating it to arrange for financing the Centennial by means other than direct appropriations of funds from the Treasury; and be it further

Resolved, That it is the sense of this body that any contributions of State funds to the celebration of the Centennial should take the form, either or both, of a loan to be repaid out of revenues from said Centennial, or a purchase of bonds or of stock in the Centennial enterprise, as may be heretofore or hereafter authorized by law, in an amount not to exceed one million dollars (\$1,000,000); and be it further

Resolved, That a copy of this resolution shall be forwarded to the Secretary of the Centennial Commission, under the signature of the Speaker and Chief Clerk of the House.

Signed—Lemens, Rogers of Ochil-tree, Hunter, Rollins, Kayton, Barrett, Tarwater, Jones of Atascosa, Merritt.

The resolution was read second time.

Mr. Savage moved that the resolution be referred to the Committee on State Affairs.

(Speaker in the Chair.)

Mr. Parkhouse raised a point of order on further consideration of the resolution, on the ground that the time for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Lemens moved that the House Rule relative to the time allotted for the consideration of resolutions be suspended for the purpose of further considering the resolution.

The motion was lost.

RELATIVE TO BANKHEAD COTTON LAW

The Speaker laid before the House, as unfinished business, resolution offered on yesterday, by Mr. Laird, relative to Bankhead Cotton Law;

The resolution having been read second time on yesterday, with motion by Mr. Alexander that the resolution be referred to the Committee on Agriculture, pending.

Mr. Laird moved to table the motion to refer the resolution to the Committee on Agriculture.

Question recurring on the motion to table, it was lost.

Question recurring on the motion by Mr. Alexander to refer the resolution, it prevailed.

RELATIVE TO THE ERECTION OF AN APPELLATE COURTS BUILDING IN AUSTIN

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 7, Relative to the erection of an Appellate Courts Building in Austin.

Whereas, It is possible for the State of Texas to obtain Federal funds for the erection of a State Courts Building on State-owned land within the City of Austin, Texas; and

Whereas, Such a building, where Appellate Courts, the Attorney General's Office, and the Supreme Court legal library might be centrally located, is badly needed, and would result in the saving of much time and expense to the State; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Board of Control be authorized and empowered to enter into negotiations with any of the agencies of the Federal Government, and to do all acts and perform all agreements as may be necessary, in order to obtain a Federal grant or funds for the erection of such a State Courts Building on any land now owned by the State within the City of Austin, Texas; be it further

Resolved, That the Board of Control, in the obtaining of the funds necessary for the construction of such building, shall not be authorized to

obligate or bind the credit of the State in any way, but in all other respects, it shall have full power and authority to do whatever may be required for the obtaining of said funds.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on Public Lands and Buildings.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

S. B. No. 11, "An Act to aid the City of Palacios and the village of Collegeport, both situated in Commissioner's Precinct No. 3 of Matagorda County, Texas, in constructing and maintaining sea walls, breakwaters and shore protection, and declaring an emergency."

SENATE BILL NO. 10 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 10, A bill to be entitled "An Act amending Section 1, of Chapter 130, Acts of the Regular Session of the Forty-third Legislature, so as to provide for the issuance of revenue bonds by cities and towns which have assumed the control of the public schools within their boundaries and to amend Section 3 by providing that any bonds issued shall be payable from the net revenues of the project after payment of operating and maintenance charges, and declaring an emergency."

The bill was read second time.

Mr. Moffett offered the following amendment to the bill:

Amend Senate Bill No. 10 by inserting in line 34, page 1, after the word "independent," the words "consolidated, and common."

The amendment was adopted.

Mr. Van Zandt offered the following amendment to the bill:

Amend Senate Bill No. 10, page 2, by striking out all after the words "authorized by law," in line 13 of Section 2.

VAN ZANDT,
AIKIN.

Mr. Burns moved to table the amendment by Mr. Van Zandt.

The motion to table prevailed.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

Senate Bill No. 10 was then passed to third reading.

SENATE BILL NO. 10 ON THIRD READING

Mr. Harman moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—94

Alexander.	Kayton.
Alsup.	Kyle of Hays.
Anderson.	Kyle of Palo Pinto.
Atchison.	Lange.
Barrett.	Lemens.
Beck.	Leonard.
Bourne.	Lotief.
Burns.	Mackay.
Camp.	Magee.
Cathey.	Mathis.
Celaya.	McCullough.
Chastain.	McDougald.
Clayton.	Mitcham.
Daniel.	Moffett.
Davidson.	Moore.
Dwyer.	Morrison.
Engelhard.	Morse.
Fain.	Munson.
Ford.	Nicholson.
Fuchs.	Parkhouse.
Glass.	Pavlica.
Golson.	Puryear.
Goodman.	Ratliff.
Griffith.	Reader.
Hankamer.	Reed of Bowie.
Harman.	Reed of Dallas.
Harris.	Renfro.
Harrison.	Riddle.
Hartzog.	Roark.
Head.	Roberts.
Hill.	Rogers
Hodges.	of Ochiltree.
Holloway.	Rollins.
Hoskins.	Russell.
Huddleston.	Savage.
Hunt.	Scarborough.
Hunter.	Shults.
Jackson.	Smith.
James.	Stanfield.
Jones of Atascosa.	Steward.
Jones of Runnels.	Stovall.
Jones of Shelby.	Stubbeman.

Tarwater.
Tennyson.
Thomas.
Townsend.
Turlington.
Vaughan.

Walker.
Weinert.
Wells.
Wood.
Young.

Nays—14

Aikin.
Bergman.
Canon.
Coombes.
Dean.
Dunagan.
Good.

Hicks.
Holekamp.
McKee.
Merritt.
Shannon.
Van Zandt.
Winningham.

Absent

Baker.
Barron.
Bradley.
Butler.
Caven.
Dolson.
Crossley.
Cevall.
Dunlap.
Duvall.
Graves.
Greathouse.
Holland.
Hughes.
Hyder.

Jefferson.
Johnson
of Anderson.
Laird.
Latham.
Lindsey.
Long.
McGregor.
Metcalf.
Palmer.
Patterson.
Pope.
Ramsey.
Stinson.
Tillery.

Absent—Excused

Adamson.
Bedford.
Calvert.
Cowley.
Fisher.
Hester.

Johnson
of Dimmit.
Ray.
Rogers of Hunt.
Scott.
Wagstaff.

The Speaker then laid Senate Bill No. 10 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—106

Alexander.
Alsup.
Anderson.
Atchison.
Baker.
Barrett.
Beck.
Bourne.
Burns.
Camp.
Cathey.
Caven.
Celaya.
Chastain.
Clayton.
Colson.
Crossley.

Daniel.
Davidson.
Dwyer.
Engelhard.
Fain.
Ford.
Fuchs.
Glass.
Golson.
Goodman.
Greathouse.
Griffith.
Hankamer.
Harman.
Harris.
Harrison.
Hartzog.

Head.
Hill.
Hodges.
Holloway.
Hoskins.
Huddleston.
Hunt.
Hunter.
Hyder.
Jackson.
James.
Johnson
of Anderson.
Jones of Atascosa.
Jones of Runnels.
Jones of Shelby.
Kayton.
Kyle of Hays.
Kyle of Palo Pinto.
Laird.
Lange.
Lemens.
Leonard.
Lotief.
Mackay.
Magee.
Mathis.
McCullough.
McDougald.
McKee.
Merritt.
Mitcham.
Moffett.
Moore.
Morrison.
Morse.
Munson.

Nicholson.
Parkhouse.
Pavlica.
Pope.
Purvey.
Ratliff.
Reader.
Reed of Bowie.
Reed of Dallas.
Renfro.
Riddle.
Roark.
Roberts.
Rogers
of Ochiltree.
Rollins.
Russell.
Savage.
Scarborough.
Shults.
Smith.
Stanfield.
Steward.
Stovall.
Stubbeman.
Tarwater.
Tennyson.
Thomas.
Tillery.
Townsend.
Turlington.
Vaughan.
Walker.
Weinert.
Wells.
Wood.
Young.

Nays—13

Aikin.
Bergman.
Canon.
Coombes.
Dean.
Dunagan.
Good.

Hicks.
Holekamp.
Lindsey.
Shannon.
Van Zandt.
Winningham.

Absent

Barron.
Bradley.
Butler.
Devall.
Dunlap.
Duvall.
Graves.
Holland.
Hughes.

Jefferson.
Latham.
Long.
McGregor.
Metcalf.
Palmer.
Patterson.
Ramsey.
Stinson.

Absent—Excused

Adamson.
Bedford.
Calvert.
Cowley.
Fisher.
Hester.

Johnson
of Dimmit.
Ray.
Rogers of Hunt.
Scott.
Wagstaff.

HOUSE BILL NO. 4 ON SECOND
READING

On motion of Mr. Engelhard, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 4, A bill to be entitled

"An Act making appropriations to pay miscellaneous claims out of the Highway Fund; authorizing payment of certain sums out of the Highway Fund; authorizing the payment of said miscellaneous claims on the taking effect of this Act."

The Speaker laid the bill before the House, and it was read second time.

Mr. Engelhard offered the following committee amendment to the bill:

Amend House Bill No. 4 by striking out all below the enacting clause and inserting the following:

TO BE PAID OUT OF THE GENERAL FUND

"To pay Charles N. Bassett, independent executor and sole legatee of the estate of George D. Flory, deceased, refund account overpayment of inheritance tax....."	\$ 1,659.63
To pay Pool Manufacturing Company of Sherman, Texas, account overpayment of franchise tax.....	552.40
To pay J. C. Hillsman Estate, overpayment of taxes on land located in Matagorda County, Texas.....	55.30
To pay R. S. & J. B. Windham, overpayment of taxes on land located in Upton County, Texas.....	77.76
To pay Mrs. J. T. Diseker, peddlers' license tax.....	15.00
To pay Mike Maltz, witness fee.....	6.00
To pay Burroughs Adding Machine Company, servicing adding machines	18.36
To pay Higgenbotham-Bailey-Logan Company, Dallas, account overpayment of franchise tax.....	1,590.62
To pay First Texas Chemical Company of Dallas, account overpayment of franchise tax.....	321.38
To pay Texas Loan Company of El Paso, occupation tax.....	150.00
To pay Reliable Loan Company of Fort Worth, occupation tax..	150.00
To pay Tax Collector of Houston County, Texas, taxes on State-owned prison lands located in Houston County, Texas.....	2,537.70
To pay Oliphant Motor Company, Huntsville, Texas, general auto and truck repairs	371.24
To pay Knappe Printing Company of Austin, Texas, account of printing and supplies.....	469.60
To pay City of Brownsville, Texas, refund of gasoline tax.....	1,090.72
To pay Guy L. Peyton on Treasury Department check No. 2345 (land account), dated October 8, 1923.....	35.20
To pay Yellow Transit Company, remission of fine, account of overloading truck	100.00
To pay J. G. Shanklin, account taxes on excess acreage assessed in Burleson County	300.84
To pay Jesse Garrett, account taxes on excess acreage assessed in Burleson County	59.23
To pay J. Earl Porter, account taxes on excess acreage assessed in Burleson County	65.03
To pay W. R. A. Rogers, account taxes on excess acreage assessed in Burleson County	159.76
To pay Mrs. Sarah Philp, account taxes on excess acreage assessed in Burleson County	41.39
To pay the following members of the State Board of Health for expenses in attending board meeting on March 13, 1933:	
Dr. A. A. Ross.....	24.00
J. M. Howe	56.75
Dr. C. M. Rosser	56.90
J. M. Spoonts	91.92
Dr. J. M. Fraser	47.95
Dr. John W. Burns	55.35

To pay F. W. Woolworth Company, account overpayment of franchise tax	1,398.00
To pay Fidelity National Bank and Trust Company, account overpayment of franchise tax.....	1,922.00
To pay Wilson & Company, account overpayment of franchise tax	1,407.00
To pay Willys-Overland, Inc., account overpayment of franchise tax	212.80
To pay Louis Werner Stave Company, account overpayment of franchise tax	2,098.35
To pay Albert Weiblen Marble and Granite Works, account overpayment of franchise tax	733.00
To pay Webb Press Company, account overpayment of franchise tax	896.00
To pay Waddell Investment Company, account overpayment of franchise tax	266.20
To pay Union Bridge and Construction Company, account overpayment of franchise tax.....	673.50
To pay W. E. Thomas Lumber Company, account overpayment of franchise tax	499.65
To pay Studebaker Corporation of America, account overpayment of franchise tax	465.00
To pay Standard Computing Scale Company, account overpayment of franchise tax	481.00
To pay Sodeman Power and Light Company, account overpayment of franchise tax	245.50
To pay Progressive Farmer Company, account overpayment of franchise tax	388.70
To pay the Power Manufacturing Company, account overpayment of franchise tax	258.00
To pay Pittsburg Filter and Engineering Company, account overpayment of franchise tax	582.00
To pay Pittsburg Piping and Equipment Company, account overpayment of franchise tax.....	1,067.34
To pay Peters Eichler Company, account overpayment of franchise tax	71.00
To pay Ogus, Robinson and Ogus, account overpayment of franchise tax	307.60
To pay Newson & Company, account overpayment of franchise tax	853.00
To pay the New Home Sewing Machine Company, account overpayment of franchise tax	3,280.00
To pay F. E. Newbury Electric Company, account overpayment of franchise tax	192.00
To pay Nelson Loan Company, account overpayment of franchise tax	328.35
To pay Missouri Valley Bridge and Iron Company, account overpayment of franchise tax.....	985.55
To pay National Loan and Investment Company, account overpayment of franchise tax	3,750.50
To pay John F. Meyers & Son, account overpayment of franchise tax	1,005.00
To pay McAlester Fuel Company, account overpayment of franchise tax	1,113.00
To pay Maxwell Investment Company, account overpayment of franchise tax	252.15
To pay Litchfield Land Company, account overpayment of franchise tax	531.65
To pay B. F. Johnson Publishing Company, account overpayment of franchise tax	5,041.00
To pay Hoffman Heater Company, account overpayment of franchise tax	356.50
To pay Hastings Industrial Company, account overpayment of franchise tax	475.00
To pay Hanlin Supply Company, account overpayment of franchise tax	672.90

To pay Gullet Gin Company, account overpayment of franchise tax	470.50
To pay B. F. Goodrich Rubber Company, account overpayment of franchise tax	1,644.33
To pay Gilsonite Construction Company, account overpayment of franchise tax	1,593.00
To pay Dodd, Mead and Company, account overpayment of franchise tax	240.00
To pay Deming Investment Company, account overpayment of franchise tax	142.40
To pay Dickinson Trust Company, account overpayment of franchise tax	1,327.67
To pay Delta Land and Timber Company, account overpayment of franchise tax	3,100.00
To pay Clinchfield Fuel Company, account overpayment of franchise tax	152.50
To pay Cudahay Packing Company, account overpayment of franchise tax	1,213.00
To pay Central Coal and Coke Company, account overpayment of franchise tax	8,773.00
To pay F. C. Austin Company, account overpayment of franchise tax	768.50
To pay B. F. Avery & Sons, account overpayment of franchise tax	533.00
To pay Atkinson, Mentzer and Company, account overpayment of franchise tax	1,218.50
To pay American Sheet Metal Works, account overpayment of franchise tax	248.00
To pay Delta Lumber Company, account overpayment of franchise tax	825.00
To pay Trussed Concrete Steel Company, account overpayment of franchise tax	1,613.80
To pay Gammel's Book Store, materials and supplies.....	19.00
To pay D. A. Bradshaw, sheriff's fees.....	44.00
To pay Lee Andrew Johnson, witness fees.....	8.70
To pay R. J. Flannagan, for personal services rendered the Texas Prison System as supervisor.....	916.66
To pay R. J. Brundrett, occupation tax.....	21.49
To pay Citizens National Bank of Marlin, Texas, account excess capital stock tax	1,794.71
To pay Mrs. Myrtle McKee, Mrs. Annie Ealey, and R. H. Moore, assignee, for judgment entered in the District Court of Tarrant County, Texas, September 13, 1933.....	412.66
To pay Shamrock Cotton Oil Company, account overpayment of franchise tax	60.60
To pay Madden Furniture Company of Galveston, account refund of franchise tax (warrant lost).....	6.15
To pay Claude H. Mills, Route 2, Box 49, Arlington, Texas, refund of overpayment of auto registration fees.....	24.96
To pay Sam H. Bean, Smith County, Texas, sheriff fees.....	150.45
To pay Mrs. J. B. Self, Baylor County, Texas, wife of Mr. J. B. Self, deceased, sheriff fees.....	922.95
To pay J. N. Brooker, account taxes on excess acreage assessed in Baylor County, Texas.....	427.85
To pay C. R. Womack, Cooper, Delta County, Texas, payment of Treasury Warrant which was lost and the Two-Year Statute prohibited payment	48.00
To pay S. H. Akers, Dawson, Texas, payment of Treasury Warrant in which the Two-Year Statutes prohibited payment....	12.20
To pay Mrs. Houston Jones, Pharr, Texas, refund of franchise tax	64.20
To pay David Terry, Fairfield, Texas, sheriff fees to the extent of Governor's recognition	168.00
To pay Smith-Perry Electric Company, payment of deficiency warrant	996.70

To pay J. W. Stewart, Corsicana, Texas, sheriff fees.....	347.10
To pay Ate Reece, Gainesville, Texas, sheriff fees.....	186.43
To pay C. F. Patterson, Delta County, Texas, sheriff fees.....	12.00
To pay G. D. Phipps, San Antonio, Texas, Treasury Warrant, payment prohibited by statute of limitations.....	50.00
To pay Thomas A. Ward, Laredo, Texas, refund of taxes paid in under the Motor Bus Seat Fee Law.....	5,075.00
To pay L. B. Hightower, Liberty, Texas, sheriff fees.....	46.67
To pay C. S. Looney, Cisco, Texas, sheriff fees.....	43.70
To pay Capitol City Realty Company, Fort Worth, Texas, refund of occupation tax	750.00
To pay William C. Diamond, Dallas, Texas, refund of penalty paid on delinquent taxes.....	295.38
To pay Mrs. Elizabeth Sheehan, Tom Green County, Texas, for recovery of money held under escheat laws of Texas for ad- ministrating estate of Patrick Flynn.....	2,176.77
To pay B. J. Bruton, Williamson County, Texas, refund of taxes paid on school lands not subject to taxation by State.....	608.08
To pay Mrs. C. C. Parsons, Coleman County, Texas, account taxes on excess acreage assessed in Coleman County, Texas.....	62.20
To pay C. H. Corn, Baird, Texas, witness fees.....	20.00
To pay Love Kimbrough, Brady, Texas, for expenses incurred in returning fugitive criminal to State of Texas.....	156.87
To pay Firestone Rubber Company refund of overpayment of taxes	139.89
To pay G. A. Lenz, Deficiency Certificate No. 2358, Appropria- tion 0-1106, for sheriff fees.....	48.50
To pay Ed. Bremmer, Deficiency Certificate No. 2359, Appropria- tion 0-1104, for witness fees.....	19.12
To pay National Bank of Commerce, Houston, Texas, Deficiency Certificate No. 2360, Appropriation L-275, for witness fees..	21.60
To pay J. E. Cray, Deficiency Certificate No. 2361, Appropria- tion 0-1104, for witness fees.....	12.00
To pay J. V. Dowdy for court reporter fees.....	131.00
To pay A. Stelzig for witness fees.....	17.28
To pay Wade Handy, refund under Escheated Estates Account..	50.25
To pay Earl Connor, account services rendered as Special Chief Justice	273.75
To pay R. B. Blake, court reporter fees.....	114.00
To pay Mrs. B. A. Walker, refund occupation tax.....	3.50
To pay Estate of Edmond Dittman Clem, account overpayment of inheritance tax.....	933.84
To pay Capitol Life Insurance Company, account tax collected unauthorized under the law.....	4,392.26
To pay Zeb Henry, Terrell, Texas, sheriff fees.....	24.96
To pay Mrs. Una Llewellyn, Marlin, Texas, court reporter fees..	33.25
To pay First National Bank, Wellington, Texas, sheriff fees, made to C. E. McKinney.....	711.60
To pay First National Bank, Wellington, Texas, sheriff fees, made to C. E. McKinney.....	891.60
To pay to Chester Peavy, witness fees.....	14.40
To pay Leonare Moore, witness fees.....	7.20
To pay Brazoria Land and Cattle Company, account overpay- ment franchise tax.....	2,150.00
To pay A. M. Lockett Company, account overpayment fran- chise tax	981.00
To pay Wakefield Iron and Coal Land Improvement Company, account overpayment franchise tax.....	1,990.00
To pay The Cable Company, account overpayment franchise tax	1,302.50
To pay Carman Laundry Supply Company, account overpay- ment franchise tax.....	74.40
To pay Jewel Tea Company, Inc., account overpayment fran- chise tax	170.55
To pay Barnhart Mercantile Company, account overpayment franchise tax	1,552.00

To pay Louisiana and Texas Lumber Company, account overpayment franchise tax.....	3,236.00
To pay Crystal Ice Company, Ltd., account overpayment franchise tax	256.10
To pay Wrought Iron Range Company, account overpayment franchise tax	6,087.00

Total \$108,401.52

The following sums to be paid out of the fund of the Texas Highway Department:

To pay F. M. Altgelt, Jefferson County, Texas, for repairing the Neches bridge.....	\$ 400.00
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Total \$ 400.00

Grand total \$108,801.52"

Mr. Engelhard offered the following amendment to the committee amendment:

Amend House Bill No. 4 by inserting on page 8, at line 12, the following, and correcting total to correspond with same:

"To pay C. F. Patterson, Cooper, Texas, sheriff fees....."	\$ 94.50
To pay Management Company of Texas, Inc., Dallas, Texas, account overpayment of taxes on land located in Dallas County, Texas	78.65
To pay Henry F. Grindstaff, Aspermont, Texas, expense account as district attorney.....	34.98
To pay B. H. Faber, Gilmer, Texas, Deficiency Certificate No. 15205, appropriation S-831 R.....	63.18
To pay G. Teur, Liberty, Texas, account overpayment of beer franchise tax	87.49
To pay E. G. McClure, Woodville, Texas, witness fee.....	4.56
To pay John Purvis, Stephenville, Texas, refund on Occupation Tax Receipt not issued.....	47.50
To pay Con J. O'Connor, Breckenridge, Texas, payment of Treasury Warrant No. 706, in which the Two-Year Statute prohibited payment	9.17
To pay Horton & Horton, Houston, Texas, account of materials used by Texas Prison System, Huntsville, Texas.....	82.08
To pay B. F. Stuart, El Paso, Texas, court reporter fees.....	55.25
To pay W. R. Bryant, Sherman, Texas, court reporter fees.....	32.76
To pay J. R. Mosley, Hereford, Texas, payment of Motor Fuel Tax Check (void after twelve months from date of this warrant, October 4, 1933) No. 8298.....	29.49
To pay Thos. R. B. Bond, Terrell, Texas, expense account as district judge	75.60
To pay Nelson Gray, Bertram, Texas, witness fees.....	7.12
To pay B. A. Walker, Marysville, Texas, account refund on Peddler's License	3.50
To pay Maydelle School District, Maydelle, Texas, for back taxes on State property, years 1930, 1931, 1932 and 1933....	560.08
To pay The Coca Cola Company, Atlanta, Ga., account overpayment of franchise tax.....	3,931.00

Subtotal \$113,598.43"

The amendment to the amendment was adopted.

Mr. Engelhard offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 4 by adding on page 8, below line 12, the following:

"To pay Kansas City Life Insurance Company \$5,587.69, refund of excess premium taxes paid for the year 1933."

The amendment was adopted.

Mr. Russell offered the following

amendment to the committee amendment:

Amend committee amendment to House Bill No. 4 by adding: "To pay G. W. Witt of Cookville, Texas, \$369.50 for damages to property by Highway Department."

Mr. Vaughan raised a point of order on further consideration of the amendment, on the ground that no definite claim is set forth, and same involves unliquidated damages.

The Speaker sustained the point of order.

Mr. Leonard offered the following amendment to the bill:

Amend committee amendment to House Bill No. 4 by adding in some proper place, the following:

"To pay Mrs. E. B. Phares, McAllen, Texas, as independent executrix, the following sum erroneously paid into the State Treasury, \$693.39."

The amendment was adopted.

Mr. Kayton offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 4 by adding in the proper place the following:

"For paying office rent to the Milam Building for services rendered the Oil and Gas Division of the Railroad Commission, the sum of \$900."

The amendment was adopted.

Mr. Patterson offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 4 by adding:

"To pay R. E. Goddard, Fort Worth, for damages done to car, due to negligence of the Highway Department, \$30.30."

PATTERSON,
GREATHOUSE.

Mr. Stovall raised a point of order on further consideration of the amendment, on the ground that the amendment involves unliquidated damages, and can only be settled in a court of competent jurisdiction.

The Speaker sustained the point of order.

Mr. Lotief offered the following amendment to the committee amendment:

Amend committee substitute to House Bill No. 4 by striking out all

lines on claims of franchise tax in this bill.

Mr. Engelhard moved to table the amendment.

The motion to table prevailed.

Question recurring on the committee amendment as amended, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—105

Alexander.	Latham.
Alsup.	Lemens.
Atchison.	Leonard.
Baker.	Mackay.
Barrett.	Magee.
Bergman.	Mathis.
Bourne.	McCullough.
Burns.	McDougald.
Butler.	McGregor.
Canon.	McKee.
Cathey.	Merritt.
Caven.	Mitcham.
Celaya.	Moffett.
Chastain.	Morrison.
Clayton.	Morse.
Coombes.	Munson.
Crossley.	Nicholson.
Daniel.	Palmer.
Dean.	Parkhouse.
Dunagan.	Patterson.
Dwyer.	Pavlica.
Engelhard.	Puryear.
Fain.	Ratliff.
Ford.	Reader.
Fuchs.	Reed of Bowie.
Glass.	Reed of Dallas.
Golson.	Renfro.
Good.	Riddle.
Goodman.	Roark.
Greathouse.	Roberts.
Griffith.	Rogers
Hankamer.	of Ochiltree.
Harman.	Russell.
Harris.	Savage.
Hartzog.	Scarborough.
Head.	Shannon.
Hill.	Shults.
Hodges.	Smith.
Holekamp.	Stanfield.
Holland.	Steward.
Holloway.	Stovall.
Hoskins.	Stubbeman.
Huddleston.	Tarwater.
Hughes.	Tennyson.
Hunter.	Thomas.
Jackson.	Townsend.
Jefferson.	Turlington.
Jones of Atascosa.	Van Zandt.
Jones of Runnels.	Walker.
Jones of Shelby.	Weinert.
Kayton.	Wells.
Kyle of Palo Pinto.	Wood.
Laird.	Young.

Nays—11

Aikin.	Lotief.
Beck.	Pope.
Hicks.	Rollins.
Hunt.	Tillery.
Hyder.	Vaughan.
Lindsey.	

Absent

Anderson.	James.
Barron.	Johnson
Bradley.	of Anderson.
Camp.	Kyle of Hays.
Colson.	Lange.
Davidson.	Long.
Devall.	Metcalfe.
Dunlap.	Moore.
Duvall.	Ramsey.
Graves.	Stinson.
Harrison.	Winningham.

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Calvert.	Ray.
Cowley.	Rogers of Hunt.
Fisher.	Scott.
Hester.	Wagstaff.

House Bill No. 4 was then passed to engrossment.

HOUSE BILL NO. 4 ON THIRD READING

Mr. Engelhard moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105

Akin.	Engelhard.
Alexander.	Fain.
Alsup.	Ford.
Atchison.	Fuchs.
Baker.	Glass.
Barrett.	Good.
Bergman.	Goodman.
Bourne.	Greathouse.
Burns.	Griffith.
Canon.	Hankamer.
Cathey.	Harman.
Caven.	Harris.
Chastain.	Head.
Clayton.	Hicks.
Coombes.	Hill.
Crossley.	Hodges.
Daniel.	Holekamp.
Dean.	Holland.
Dunagan.	Holloway.
Dwyer.	Hoskins.

Huddleston.	Pavlica.
Hughes.	Pope.
Hunt.	Purveyar.
Hunter.	Ratliff.
Jackson.	Reader.
Jefferson.	Reed of Dallas.
Jeons of Atascosa.	Renfro.
Jones of Shelby.	Riddle.
Kayton.	Roberts.
Kyle of Hays.	Rogers
Kyle of Palo Pinto.	of Ochiltree.
Laird.	Rollins.
Lange.	Russell.
Latham.	Savage.
Lemens.	Scarborough.
Leonard.	Shannon.
Lindsey.	Shults.
Mackay.	Smith.
Magee.	Stanfield.
Mathis.	Steward.
McCullough.	Stovall.
McDougald.	Stubbeman.
McGregor.	Tarwater.
McKee.	Tennyson.
Merritt.	Thomas.
Metcalfe.	Tillery.
Moffett.	Townsend.
Morrison.	Turlington.
Morse.	Van Zandt.
Munson.	Walker.
Nicholson.	Weinert.
Parkhouse.	Wells.
Patterson.	Wood.

Nays—7

Beck.	Palmer.
Graves.	Reed of Bowie.
Hyder.	Vaughan.
Lotief.	

Absent

Anderson.	Hartzog.
Barron.	James.
Bradley.	Johnson
Butler.	of Anderson.
Camp.	Jones of Runnels.
Celaya.	Long.
Colson.	Mitcham.
Davidson.	Moore.
Devall.	Ramsey.
Dunlap.	Roark.
Duvall.	Stinson.
Golson.	Winningham.
Harrison.	Young.

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Calvert.	Ray.
Cowley.	Rogers of Hunt.
Fisher.	Scott.
Hester.	Wagstaff.

The Speaker then laid House Bill No. 4 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—102

Alexander.	Laird.
Alsup.	Lange.
Atchison.	Latham.
Baker.	Leonard.
Barrett.	Long.
Bergman.	Mackay.
Bourne.	Magee.
Burns.	Mathis.
Butler.	McCullough.
Canon.	McDougald.
Cathey.	McGregor.
Caven.	McKee.
Celaya.	Merritt.
Chastain.	Mitcham.
Clayton.	Moffett.
Coombes.	Morrison.
Crossley.	Morse.
Daniel.	Nicholson.
Dean.	Parkhouse.
Dunagan.	Patterson.
Dwyer.	Pavlica.
Engelhard.	Puryear.
Ford.	Ratliff.
Glass.	Reader.
Golson.	Reed of Dallas.
Good.	Renfro.
Goodman.	Riddle.
Greathouse.	Roark.
Griffith.	Roberts.
Hankamer.	Rogers
Harman.	of Ochiltree.
Harris.	Savage.
Hartzog.	Scarborough.
Head.	Shannon.
Hicks.	Shults.
Hill.	Smith.
Hodges.	Stanfield.
Holekamp.	Steward.
Holland.	Stovall.
Holloway.	Stubbeman.
Hoskins.	Tarwater.
Huddleston.	Tennyson.
Hughes.	Thomas.
Hunt.	Tillery.
Hunter.	Townsend.
Jefferson.	Turlington.
Jones of Atascosa.	Van Zandt.
Jones of Runnels.	Walker.
Jones of Shelby.	Weinert.
Kayton.	Wells.
Kyle of Hays.	Wood.
Kyle of Palo Pinto.	Young.

Nays—11

Aikin.	Pope.
Beck.	Reed of Bowie.
Hyder.	Rollins.
Lindsey.	Russell.
Lotief.	Vaughan.
Munson.	

Absent

Anderson.	Harrison.
Barron.	Jackson.
Bradley.	James.
Camp.	Johnson
Colson.	of Anderson.
Davidson.	Lemens.
Devall.	Metcalfe.
Dunlap.	Moore.
Duvall.	Palmer.
Fain.	Ramsey.
Fuchs.	Stinson.
Graves.	Winningham.

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Calvert.	Ray.
Cowley.	Rogers of Hunt.
Fisher.	Scott.
Hester.	Wagstaff.

ADJOURNMENT

Mr. Dunagan moved that the House recess to 2 o'clock p. m., today.

Mr. Barron moved that the House recess to 3 o'clock p. m., today.

Mr. Rogers of Ochiltree moved that the House adjourn until 9 o'clock a. m., tomorrow.

Mr. Patterson moved that the House adjourn until 10 o'clock a. m., tomorrow.

The motion of Mr. Patterson prevailed, and the House, accordingly, at 12:05 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Municipal and Private Corporations: House Bill No. 52.

State Affairs: House Bills Nos. 41 and 13.

FOURTEENTH DAY

(Friday, November 2, 1934)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.